



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8973

March 5, 2020

**BY ECF**

The Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Hall v. Annucci et al, SDNY 19 Civ. 5521 (KMK)

Dear Judge Karas:

This Office represents defendants Anthony Annucci, Robert Bentivegna, Thomas Griffin, and Kyoung Kim (collectively the "Served Defendants") in the above-referenced action. I write to respectfully request a sixty-three day extension of the Served Defendants' time to file their motion to dismiss, from the current deadline of March 13, 2020 to May 15, 2020. The extension would also result in a sixty-three day extension of Plaintiff's deadline to respond to the motion to June 15, 2020 and the Served Defendants' deadline to reply to July 7, 2020. This is the Served Defendants' first request for an extension of time to file their motion to dismiss. D

Currently, the deadline for the Served Defendants to file their motion to dismiss is March 13, 2020. See ECF 43. However, on November 27, 2019, Plaintiff amended his pleading to include new individuals as defendants: Aileen McCarthy, Donna Heitz, Deborah MacDonald, and Nicole Walsh. See ECF No. 27. On February 6, 2020, the Court issued an Order of Service, directing the United States Marshals Service to effect service on the new individuals. See ECF No. 41. Just yesterday, this Office received the first request for representation from the new individuals, and it appears that the newly individuals' deadline to respond to the Second Amended Complaint would be May 15, 2020.

Therefore, I am requesting a sixty-three day extension of the Served Defendants' deadline to file their motion to dismiss to allow this Office time to conduct a supplemental representation analysis as required under New York Public Officers Law Section 17 based on the requests of the newly served individuals, and also to align all defendants' deadlines in an attempt to avoid piecemeal litigation.

Due to the difficulty in prompt communication with incarcerated pro se litigants and your Honor's Individual Rules of Practice, which require that requests for extensions of time be made at least five business days in advance, I am making this request without knowledge of Plaintiff's position. However, while Plaintiff has not consented to the request for an extension, the logic behind the Served Defendants' request is mirrored in Plaintiff's letter dated February 14, 2020 in response to the Served Defendants' letter-motion requesting a pre-motion conference regarding their motion to Dismiss, in which he "rejects any kind of conference at this time, at least, not until after all defendants are served." See ECF No. 44.

Therefore, the Served Defendants respectfully request a sixty-three day extension of the Served Defendants' deadline to file their motion to dismiss to May 15, 2020, Plaintiff's deadline to respond to the motion to June 15, 2020 and the Served Defendants' deadline to reply to July 7, 2020. //

Thank you for your consideration of the application herein.

Respectfully submitted,

S/ Brendan M. Horan  
Brendan M. Horan  
Assistant Attorney General  
Brendan.Horan@ag.ny.gov

cc: **BY MAIL**  
Ralph Hall  
Pro Se Plaintiff  
DIN 05A5367  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, New York 12582-0010

Granted.  
So ordered  
K MK  
3/5/20

**The Clerk of the Court is directed to  
mail a copy of this Order to the Plaintiff**

### DECLARATION OF SERVICE

Brendan M. Horan, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am over 18 years of age and not a party to this action. On March 5, 2020, I served the annexed Letter Motion upon:

Ralph Hall  
DIN 05A5367  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, New York 12582-0010

plaintiff pro se, by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to the above-noted address.



Brendan M. Horan

Executed on March 5, 2020